

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY,**

Plaintiff,

v.

Case No. 2:22cv427

UNITED STATES of AMERICA, et al.

Defendants.

**MOTION FOR ENTRY OF CONSENT ORDER GRANTING DEFENDANT
METRO MACHINE CORP.'S MOTION FOR JUDGEMENT ON THE
PLEADINGS WITHOUT PREJUDICE**

The Plaintiff, by counsel, moves for entry of a Consent Order dismissing Defendant Metro Machine Corp. d/b/a General Dynamics NASSCO-Norfolk (“NASSCO-Norfolk”) from this case without prejudice.

Defendant NASSCO-Norfolk filed a Motion for Judgment on the Pleadings under Fed. R. Civ. P. 12(c). *ECF No. 95.* After discussion between counsel, the Plaintiff agreed that it would not oppose NASSCO-Norfolk’s motion if NASSCO-Norfolk agreed that it would be dismissed without prejudice so that the Plaintiff could request leave to file an Amended Complaint at a later time should additional facts be learned in discovery to support a claim for negligence against NASSCO-Norfolk.

Accordingly, the Plaintiff requests entry of the attached Consent Order granting NASSCO-Norfolk’s motion and dismissing NASSCO-Norfolk without prejudice.

Respectfully submitted,
**DOUGLAS I. HORNSBY, Administrator
of the Estate of CYNTHIA GARY**

By: /s/ Andrew M. Hendrick
Robert J. Haddad, Esq.
VSB No. 22298
Andrew M. Hendrick, Esq.
VSB No. 42852
Attorneys for Plaintiff
RULOFF, SWAIN, HADDAD, MORECOCK,
TALBERT & WOODWARD, P.C.
317 30th Street
Virginia Beach, VA 23451
Telephone: (757) 671-6036
Facsimile: (757) 671-6004
rhaddad@srgslaw.com
ahendrick@srgslaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of October, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Garry D. Hartlieb, Esq.
Assistant U.S. Attorney
Office of the United States Attorney
101 West Main Street, Suite 8000
Norfolk, VA 23510-1671
garry.hartlieb@usdoj.gov
Attorney for Defendant United States

Malinda R. Lawrence, Esq.
Darren E. Myers, Esq.
United States Department of Justice
Civil Division, Torts Branch
Aviation, Space & Admiralty Litigation
175 N Street, NE, 8th Floor
Washington, DC 20002
Malinda.R.Lawrence@usdoj.gov
Darren.E.Myers@usdoj.gov
Attorneys for Defendant United States

John Arch Irvin, Esq.
Lynn Kanaga Brugh , IV, Esq.
Williams Mullen
200 South 10th Street
Suite 1600
Richmond, VA 23219
804-420-6140
jirvin@williamsmullen.com
lbrugh@williamsmullen.com
*Attorneys for Defendant Metro Machine
Corp. doing business as
General Dynamics NASSCO-Norfolk*

Jason R Harris, Esq.
Cranfill Sumner, LLP
PO Box 1950
Wilmington, NC 28402
910-524-9510
Fax: 910-777-6111
jharris@cshlaw.com
*Attorney for Defendant Coastal
Mechanical Systems, LLC*

Edward James Powers, Esq.
Dustin Mitchell Paul, Esq.
Allison M. Mentch, Esq.
Woods Rogers Vandeventer Black PLC
101 W. Main Street, Suite 500
Norfolk, VA 23510
757-446-8600
Ed.Powers@wrvblaw.com
Dustin.Paul@wrvblaw.com
alli.mentch@wrvblaw.com
*Attorneys for Defendant Advanced
Integrated Technologies, LLC*

James L. Chapman , IV, Esq.
Alexander Ryan McDaniel, Esq.
Crenshaw, Ware & Martin, P.L.C.
150 West Main Street
Suite 1923
Norfolk, VA 25310
757-623-3000
jchapman@cwm-law.com
amcdaniel@cwm-law.com
Attorneys for Defendant KD Shipyard Repairs, LLC

William Benjamin Woody, Esq.
Harman Claytor Corrigan & Wellman
1900 Duke Street, Suite 210
Alexandria, VA 22314
703-544-2320
Fax: 804-747-6085
bwoody@hccw.com
Attorney for Defendant CECO Environmental Corp.

Dannel Charles Duddy, Esq.
Stanley Paul Wellman, Esq.
Harman Claytor Corrigan & Wellman
PO Box 70280
Richmond, VA 23255
804-622-1107
Fax: 804-747-6085
dduddy@hccw.com
swellman@hccw.com
Attorneys for Defendant CECO Environmental Corp.

/s/ Andrew M. Hendrick

Robert J. Haddad, Esq.
VSB No. 22298
Andrew M. Hendrick, Esq.
VSB No. 42852
Attorneys for Plaintiff
RULOFF, SWAIN, HADDAD, MORECOCK,
TALBERT & WOODWARD, P.C.
317 30th Street
Virginia Beach, VA 23451
Telephone: (757) 671-6036
Facsimile: (757) 671-6004
rhaddad@srgslaw.com
ahendrick@srgslaw.com